



# House of Representatives

General Assembly

**File No. 189**

February Session, 2012

House Bill No. 5460

*House of Representatives, March 29, 2012*

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING WRECKERS AND TOW TRUCKS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-262a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 A wrecker, as defined in section 14-1 and operated in accordance  
4 with section 14-66 as an emergency response vehicle with a divisible or  
5 nondivisible load as referenced in 23 CFR 658.5, may tow or haul a  
6 vehicle or combination of vehicles, without regard to the limitations of  
7 length contained in section 14-262. A wrecker that has been issued an  
8 annual wrecker towing or transporting permit pursuant to section 14-  
9 270 may tow or haul a motor vehicle or combination of vehicles in  
10 excess of the axle gross combination weight limits or federal bridge  
11 formula requirements for vehicles with divisible or nondivisible loads  
12 as referenced in 23 CFR 658.17 prescribed by section 14-267a from any  
13 highway if such vehicle (1) was involved in an accident, (2) became  
14 disabled and remains within the limits of a highway, or (3) is being  
15 towed or hauled by order of a traffic or law enforcement authority, to

16 the nearest licensed repair facility or motor carrier terminal of such  
 17 vehicle. All other towing operations [with a] in excess of an axle gross  
 18 combination vehicle weight [in excess of those] or federal bridge  
 19 formula requirements for vehicles with divisible or nondivisible loads  
 20 as referenced in 23 CFR 658.17, as defined in section 14-267a, shall  
 21 require a single-trip permit as defined in section 14-270, as amended  
 22 by this act. Violation of any provision of this section shall be an  
 23 infraction.

24 Sec. 2. Subsection (e) of section 14-270 of the 2012 supplement to the  
 25 general statutes is repealed and the following is substituted in lieu  
 26 thereof (*Effective from passage*):

27 (e) (1) The Commissioner of Transportation shall adopt regulations  
 28 in accordance with chapter 54 prescribing standards for issuance of  
 29 permits for vehicles with divisible or indivisible loads not conforming  
 30 to the provisions of section 14-267a.

31 (2) In adopting regulations pursuant to this section, the  
 32 commissioner shall allow for the issuing of a wrecker towing or  
 33 transporting emergency permit, provided emergency movement of a  
 34 wrecked or disabled vehicle by a wrecker with a permit issued  
 35 pursuant to this subdivision shall (A) be in accordance with any  
 36 limitations as to highway or bridge use and maximum rate of speed as  
 37 specified by the commissioner, and (B) not exceed seventy-five miles.  
 38 For each wrecker towing or transporting emergency permit, the owner  
 39 or lessee of a wrecker shall pay an annual fee of (i) one hundred  
 40 twenty-five dollars for a wrecker with a manufacturer's gross vehicle  
 41 weight rating of twenty-six thousand pounds or less, and (ii) two  
 42 hundred fifty dollars for a wrecker with a manufacturer's gross vehicle  
 43 weight rating of more than twenty-six thousand pounds.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	14-262a
Sec. 2	<i>from passage</i>	14-270(e)

**TRA**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Department of Transportation	TF - Revenue Loss	30,000	30,000

Note: TF=Transportation Fund

**Municipal Impact:** None

**Explanation**

The bill is anticipated to result in an annual revenue loss of \$30,000 to the Department of Transportation in FY 13. The bill establishes a new annual "wrecker towing or transporting emergency permit" that allows wreckers to exceed state and federal weight limits when towing large disabled vehicles under certain circumstances. The bill changes the fee structure associated with the current permit from a fee per thousand pounds of wrecker weight to a flat fee.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future.

**OLR BILL ANALYSIS****HB 5460*****AN ACT CONCERNING WRECKERS AND TOW TRUCKS.*****SUMMARY:**

The law allows wreckers holding an annual permit to exceed state and federal weight limits when towing large disabled vehicles under certain circumstances. This bill requires the transportation commissioner to adopt regulations creating a new permit that can be used under broader circumstances than the current annual permit and has a lower fee. It is unclear how this new permit fits in with the law's requirement that tows of overweight vehicles that do not meet the criteria for the existing annual permit be made under a single-trip permit.

EFFECTIVE DATE: Upon passage

**EXISTING ANNUAL PERMIT**

State and federal law establish weight and size restrictions that normally apply to vehicles using the national highway system, but allow for exceptions. State law establishes limits on a vehicle's gross (total) weight and the weight on any single axle.

Current state law allows a wrecker with an annual DOT permit to tow or haul a vehicle from a highway when the combined gross weight of the wrecker and towed vehicle exceed the legal limits if the towed vehicle (1) was in an accident, (2) became disabled and remains within the limits of a highway, or (3) is being towed to the nearest licensed repair facility or its truck terminal at police direction. The bill expands the exemption to allow the vehicles to exceed the "axle gross combination weight limits" (apparently the limits on individual axle weights) or federal bridge formula requirements for vehicles with divisible or nondivisible loads (see BACKGROUND).

The bill requires that wreckers meet the criteria of an emergency response vehicle, as defined by federal law, to tow oversize vehicles.

### **SINGLE-TRIP PERMITS**

By law, all other towing operations in which towed vehicles or loads exceed statutory weight limits must obtain a DOT single-trip permit. (By regulation, a single-trip permit is valid for three days and for one trip between designated points.) As with the annual permit, above, the bill allows wreckers with single-trip permits to exceed the axle gross combination weight limits or federal bridge formula requirements. Because under existing law, unchanged by the bill, wreckers towing oversize or overweight loads must have either an annual or single-trip permit, it is not clear how the new permit (see below) complies with this permitting scheme.

### **NEW ANNUAL PERMIT**

By law, the transportation commissioner must adopt regulations setting standards for overweight vehicle permits. The bill requires the regulations to provide for a new “wrecker towing or transporting emergency permit” that can be used more broadly than the annual permit described above. The bill would allow a wrecker, provided it complies with highway, bridge, and speed limits set by the commissioner, to tow a wrecked or disabled vehicle up to 75 miles.

Under current law, a wrecker with the annual permit can tow a wrecked or disabled vehicle only to the nearest licensed garage or the trucking firm’s terminal. Also, under current law, a disabled vehicle that was not in an accident can be towed from a highway only if it remains within the highway’s limits. Under the bill, a wrecker with the new permit may tow a disabled vehicle regardless of whether it remains within these limits. It is not clear if the bill’s provisions allowing wreckers to exceed statutory weight limits under the current annual or single-trip permit also apply to wreckers under the new permit.

Under current law, the fee for the annual permit for vehicles

transporting divisible loads or overweight, oversized, or overweight and oversized indivisible loads, is \$7 per 1,000 pounds or fraction thereof. The annual fee for a vehicle transporting an oversize indivisible load must be at least \$500. Under the bill, the annual fee for the new permit is \$125 for a wrecker with a manufacturer's gross vehicle weight rating (GVWR) of 26,000 pounds or less, and \$250 for wreckers with a GVWR of at least 26,001 pounds.

## **BACKGROUND**

### ***Divisible and Indivisible (or Nondivisible) Loads***

An indivisible load is one that cannot be dismantled, disassembled or loaded to meet legal size or weight limits (e.g., a bridge beam); a divisible load includes bulk material and raw products that can be reduced in size or weight to meet these size or weight limits (e.g., sand, gravel, or asphalt) (Conn Agency Regs. § 14-270-1 (b) & (h)).

### ***Federal Bridge Formula***

The federal bridge formula, which Congress enacted in 1975, determines the maximum allowable weight for a vehicle based on the number of axles and the distance between axle groups. Connecticut adopted the federal formula in 1980 (PA 80-71).

### ***Weight Limits***

By law, the axle weight on any axle and the gross weight of any vehicle or combination of vehicle and trailer or vehicle and semitrailer or any other object, including its load, may not exceed the lesser of the manufacturer's axle weight rating, the manufacturer's GVWR, or specific axle and gross weight limits (CGS § 14-267a). In most cases, the law also provides an alternative for calculating the maximum allowable gross weight by means of the federal bridge formula.

## **COMMITTEE ACTION**

Transportation Committee

Joint Favorable

Yea    37    Nay    0    (03/14/2012)